App. F. IX-4

1934-35
(Muz)

Muz **File No.** 319-34

**Serial Nos.** 1-7

*Previous References*

Muz File No 8997-1898 I
Muz File No 8997-1898 II
Muz 8-28-1-4

~~Letter References~~. Muz 264 3-14-1-5
Muz 688-17-1-10
" 5861 44-1-2

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.*

**Part B for** February 1936

**SUBJECT.**

Appeal petition of Mr Sampath Kumaracha Melkote re Acharya purusha Maryade at Melkote temple

No 1050 8 1-2-36

To Mr S. K Venkataranga Iyengar B.A. B.L. Advocate for the appellant

WD 03607—GPB—22,500—2-8-35

Reject the claims

Appeal against the order of the M.C. re: certain Acharya Purusha Maryades held by late Mr. Venkatacharya in Melkote Temple

General and Revenue Secretariat.

Muz 3 File No. of 1934-5 [App. F. III-2

Petition of 10-5-35 filed by Mr. S.K. Venkataranga Iyengar Advocate Bangalore City on behalf of Srirangam Sampathkumaracharya of Melkote appealing against the order of the Muzrai Commissioner of 3-1-35 rejecting the claims of both the parties in the matter of Acharya Purusha Maryades in the temple of Sri Narayana Swami at Melkote accorded to the family of late Rayadurga Venkatachar.

1) The petn is sufficiently stamped. As seen from the markings on the copy of M.C.'s order of 3-1-35 appended to the P.t.n copy was applied for on 23-1-35 but it was ready on 2-3-35. It is subd that if this is so, the appeal will be counted as having been filed in time as the time took in the preparation of the copy will not count towards the three months time allowed ~~At~~ under the rules. This is a matter for verification however. It is also subd that on merits there appears to be no case in favour of the appellant as the M.C. has rejected the claims of both the p [illegible] the view ~~that~~ of his having [illegible] that the Maryades [illegible]

NOTE—Contn. Sheet.

Re: Captain [illegible] in Melkote

File No. of 1934-35

General and Revenue
Secretariat

Nature of a personal distinction rather than of a heritable nature.

2) In these circumstances it is for orders if the appeal may at all be admitted & records called for. If the latter is ordered, papers relating to the grant of the [illegible] of M.C.'s [illegible] will also be called for if appd.

For orders

17/5

3) The records may perhaps be called for.

22/5/35

Ch: Secy)

2nd Mr)

4) F.C.
24/5
25/5

SECOND MEMBER OF COUNCIL
25 MAY 1935
No. 7470

5

F.C.
27/5
27/5

6) Memo re forwarded put up on the P.U. & is for [illegible] signature -

C.S.
28/5/35

28/5

Petition sent to M.C. for submission of records. vide no 15789 29-5-35

31/5

31/5

pr 3 Appeal against the decision of the

General and Revenue Secretariat. Muz File No. of 193 . [App F III 2

Petition filed on 15/6/35 by Mr Mahavidwan Emberumanachar of Melkote appealing against decision of the Muzrai Commissioner in Muzrai Appeal No 188 of 33-34 d/ 31-12-34 in which his claim for certain Acharyapurusha Maniyams in Sri Narayana Swami Temple at Melkote accorded to the family of late Mr Rajadunga Venkatachar has been rejected

The petition is not duly stamped but the appeal is time-barred, as the M.C. passed his decision on 31/12/34 & as the petr has filed the appeal 5½ months after that date
(vide section 38, clause (5), [illegible])

The M.C. in the last para of his decision d/ 31/12/34 observes that the Maniyams enjoyed validly or otherwise by the late Venkatachari should cease when there is no one in the direct line of succession or even near enough in relationship entitled to receive them. In these circumstances even on merits the petr appears to have no case. ~~[illegible] appeal may be [illegible]~~ [illegible] ~~[illegible]~~

GW

NOTE—Contn. Sheet.

The privileges and honors (i.e. [illegible]) of an Acharyapurusha, to which no pay is attached, ~~does~~ do not seem to be heritable property, as stated by the Muzrai Comr. in the order appealed against. It is a point for consideration whether a person ~~for consideration~~ who does not possess the necessary [illegible] qualifications for it deserves the honors attached to the post. ~~Neith~~ Rukminiamma, the widow, ~~is not~~ does not seem to be entitled to it on this account and not merely on account of her sex. ~~It is~~ Her successor to the "Hakdari" post of adhyapak may perhaps claim the honors of Acharyapurusha if he possesses the necessary qualifications. But it is a point for consideration whether ~~[illegible]~~ persons other than persons holding the post of Adhyapak, ~~as in~~ like the appellant can have any claim to the honors (i.e. [illegible]) due to an Acharyapurusha. It is therefore a point for orders whether the appellant is entitled to prefer an appeal against the Muzrai Commissioner's order appealed against, as he seems to have no locus standi in the matter.

Perhaps we want

22 of 1934-1935

avidwan Emmanachars appeal no:

Certain Acharyapurusha Maryadas in the Temple of Sri Narayanaswami at Melkote.

General and Revenue Secretariat. File No. of 193 . [App F III-2

10 JULY 1935
729

OFFICE OF THE SECOND MEMBER OF COUNCIL,
11 JULY 1935
No 2063

May be called for and examined

10/7/35

Gen: Secy)

I agree in the view taken by the Muz Com

II Member

11/7

11/7

5) Records may be called for

14/7

15/7

15/7

6) Memo calling for records is put up on the P.U.S. for approval. Submitted —

G.S.
16.7.35

7)

16/7

Memo No 51 of 19-7-35 to the Muzrai Commissioner calling for records —

Letter No HG 124/34-35 of 25/7/1935 from the Muzrai Commissioner sending records connected with the appeal petitions of Sampathkumaracharya of Melkote and of Mahavidwan Embermmanachar re: Acharyapurusha Maryade at Melkote Temple —

Tasdik Patti of 1-8-1900 (Muz 7 89 of 1898. Secn II) is put up. From this it is

Sms A
31/7

NOTE—Contn Sheet

4) Muz appl nos 21 and 22

that there are 7 acharya purushams in Melkote temple of whom Rayadurgam Govindappangar is one — This is said to be a family office from the petitioner — & the work assigned to them is as follows:—

" [illegible] * [illegible] —"

* i.e. repeating the Tamil Prabandham as [illegible]

The appeal petitioner in P.W.D. II (Mahavidwan ~~[illegible]~~) has been from time to time petitioning ~~[illegible]~~ on the subject of acharyapurusha-Maryade in Melkote temple. He was an appeal petitioner before Govt in 1917-18 on the very subject & his request was vetoed. From the minutes of the three members of council dt 18/9/18 in Muz 243-14 It is seen that it is not the usual custom or Mamool to recognise more than one member of the family as entitled to the maryade. Again on 6-8-1928 he subd another petn to the then Muz. Secy & was informed in reply that Govt saw no reason to modify the orders already communicated to him. (Muz 8-28-4)

The following is the information picked out of the report of the Amildar dt 10/8/34:—

There is no connection between Adyapaka post and the Acharya Purusha in the temple. The latter is only a place entitled to receive maryade as per Sanad

These acharyapurusham were ~~[illegible]~~ given formerly [illegible] at the time of Maha Nyvedya & that after the cessation of this after the revised scale they are given some monthly remuneration in stead - But in the case of Rayadurgam Venkatachar, to whose family the petrs say they belong, no mention is made in the records of his having received any remuneration at any time for account of ~~the~~ the acharyapurusha Mariyade - & his name is not in the list of acharyapurusham entitled to get remuneration. The petr Srirangam Sampatkumarachar (P.W.D) is said to be doing the duties ~~of~~ assigned to the Adhyapaka post held by Rayadurgam Venkatachar & to be in receipt of the acharyapurusha Mariyade &c. -

Sri Veeraraghavachar, - 1st Mula purusha, Three families branched off :-
Srirangam Branch
Akkalakunni "
Rayadurgam Branch.

When the question was in appeal before the D.C. Mysore - he held that Srirangam Sampatkumarachar of the Srirangam branch & a distant agnate of the Rayadurgam branch be given the mariyade as usual. In passing order of this kind, the D.C. perhaps lost sight of the Amildar's report that Venkatachar's name not (in the list of 1900) among the acharyapurusham entitled to the Mariyades. This aspect has been thoroughly examined by the M.C. he has observed in para 2 of his decision dt. 31/12/34 (when the question was in appeal before him). as follows:—

"It is not established that Venkatachari was entitled to these Maryades as a matter of right. His name does not appear in the Tasdik patti of 1900 in which the honoraria payable to acharyapurushas are recorded. The statement that he was entitled to the honor but not to the honorarium cannot be viewed without suspicion"

The records do not contain either the Sannad in original or a copy of the Sannad ~~that~~ should have been filed by the petners in support of their contention. In the absence of this, it is not possible to say whether the acharya purusha maryade is a personal distinction as observed by the M.C. in his order —

The Petner in P.U. 2 I says in para 5 of his petn that the Tasdik patti of 1900 is prima facie in-conclusive as it includes only some Acharya purushas not included formerly while the list of acharya purushas doing service in the Melkote temple number over 30.

Appeal nos 21 & 22 of 1934-35
re: certain Acharya purusha manyams in Mallede Village.

General and Revenue
Secretariat.

File No. of 1934- [App F, III-2

This statement is not borne out by the Records as in the appd list there are only 7 Acharya purushams of whom ~~Rajarangam~~ Venkatachar is not one & hence the appeal of both the petrs P. W. D I & P. W. D II fails. Subd for orders if the case may be posted for a hearing.

GS
2/9

The above note explains the case - ~~[illegible]~~. It is for orders if the case may be posted for hearing on the 23rd to which date another case is posted.
10/9/35

GENERAL SECRETARIAT
10 SEP 1935
251

Gen: Secy)
II Member)

10/9

OFFICE OF THE
SECOND MEMBER OF COUNCIL.
12 SEPT. 1935
No. 1379

May be posted after Dasara

12/9

13/9

GS Posted to Friday the 22nd Novr 1935

Adjourned at the request of the advocate for appellant
22/11/35

NOTE—Contn Sheet

22/11/35

8)

Muz appeals 21 and 22 of 1934-35 Re: Carbam achanyapurusha Maryades in Melkote temple formerly enjoyed by late Rayadurgam Venkatachar.

Muz File No. of 1934-5

General and Revenue Secretariat

Posted ~~to Fri~~day the 17th January 1936.
Time 2 P. M

The case viz Muz appl No. 21 of 34-35 was called on Friday the 17th January 1936. The appellant with his Counsel Mr. S K Venkataranga Iyengar B.A. LL.B. was present & was heard. The respondents were present in person and were heard. Orders reserved.

The petitioner in Muz appl No 22 of 34-35 was present & was heard. Orders in this case also reserved.

Sd 17-1-1936.

Order

Without committing Govt to the views expressed ~~as reg~~ by the M.C. as regards the hereditary character of these Maryadas, ~~Govt~~ G. agree with the M.C. that in this particular case, in view of the ~~want~~ absence of direct heirs & the applicants both being distant agnates, the claims of both parties may be negatived

17/1

Giv 20/1/36

20/1/36

(9

Muz. appeals 21 and 22 of 1934-35
Re: Adhyapakamirasha Mirasdars formerly a ceded to the family as Ragadom Sri Venkatachar

General and Revenue Secretariat.

Muz. File No. 319 of 1934-5 [App. F. III-2

23) Muz. offs. sub.
G.S. 21/1.36

1) For approval to the draft order
25/1/36

Gen. Secy)

25) Seen
25/1
25/1

First Member)

GENERAL SECRETARIAT
25 JAN. 1936
658

27 JAN. 1936
1257

Seen
29/1/36
29/1

6 No 1050 of 1.2.1936 to Mr S.K. Venkata-Rangiengar Advocate for the appellant forwarding copy of orders on the appeal case
No 1051 of 1.2.36 to the respondents forwarding copy of the decision in the case.
No 1052 of 1.2.36 to the Muzrai Commissioner returning records received from him on the subject.

7 No 1053 of 1.2.36 to Mr Mahavidwan Embermanachar of Melkote intimating that his appeal petition has been rejected.

B
12-2-36

NOTE—Contn Sheet.

File No. of 193 .

General and Revenue
Secretariat

TWO RUPEES

GENL. & REV SECRETARIAT
1229
11 [illegible] 1935

Muz 3 d. 9-34-1

[illegible] 6/10/35
11/5/35

Before the Govt. of H. H. The Maharajah of Mysore.

Bangalore.

Muz. A. No. 21 of 34-35.

| Appellant. | Vs. | Respondent. |
|---|---|---|
| Sreerungam Sampathkumarachar. Melkote. | | 1. Mahavidwan Emberumanachar.<br>2. Narasimhachar, son of the 1st respdt. |

Under Section 38, Cl. 2 of the Religious and Charitable Institutions Regulation, ~~the appellant abovenamed, states as follows~~: for the following among other grounds:-

The appellant abovenamed, files the following appeal against the accompanying order of the Muzrai Commissioner holding that the Acharya Purusha Maryade by the late Venkatachari at Melkote temple should -- cease and rejecting the appellant's right thereto:-

1. The learned Muz. Commissioner had no jurisdiction (i) to entertain an appeal at the instance of the 1st respondent who is no party in the lower court, (ii) to entertain a petition at the instance of the respondents in the absence of the 1st respondent's elder brother, (iii) to pass an order that the appellant was also not entitled to the Acharyapurusha Maryade, on the appeal which was confined to the question whether the 2nd respondent was entitled to the Maryade or not (iv) to order that the Maryade should itself cease.

2. The learned Muzrai Commissioner's view is opposed to Section 34 of the Religious and Charitable Institutions Regulation.

3. Even otherwise, the learned Muzrai Commissioner's order is opposed to justice, equity and good

Memo
No. 1412/34
Forwarded to the Sub Division Officer [illegible] for ~~[illegible]~~ submitting the records connected with the case early.
[illegible] 14/6/35.

[illegible] 16-6-35

[illegible] 3rd Deputy [illegible] 6.

[illegible] good conscience which ought to prevail in the [illegible] statutory ~~recognition~~ enactment.

4. The learned Muzrai Commissioner's order [illegible] and the decision [illegible] 17-26 to [illegible] party. The copy of [illegible] decision [illegible] filed.

5. The learned M. Commissioner has fallen into an error [illegible] the 1900 patti as Tasdik Patti. The Tasdik Patti of 1900 [illegible] inconclusive [illegible] it included ~~[illegible]~~ only [illegible] Acharya Purushas not included formerly, [illegible] the list of Acharyapurushas doing service in [illegible] over 30.

6. The learned Muzrai Commissioner has overlooked the fact that the appellant and his family have been in enjoyment of the honour for 7 generations and that therefore ~~the~~ [illegible] his rights his claims [illegible] recognised.

7. The lower courts have not given the appellant [illegible] opportunity of adducing evidence in support of his claim and cross-examining the respondents and leading rebuttal evidence to that of the respondents in order to show that the [illegible] filed by the 2nd respondent is false.

8. The learned Muzrai Commissioner's view that [illegible] Thaties are not to be selected is opposed to previous rulings and procedure.

9. The order of the learned Muzrai Commissioner is otherwise opposed to law, facts and procedure.

[illegible]
Adv. for Appellant.

Bangalore,
10th [illegible] 1935.

No. 1578/Muz. 29-5-35

Forwarded with complaint to the Muzrai Commissioner for submission of records connected with the case.

By order

28/5/35 for Chief Secretary to [illegible]

Forwarded with compliments to the Deputy Commissioner Mysore District for favour of submitting the records connected with the case

[illegible] 10/12/34

for Muzrai Commissioner

TWELVE ANNAS TWELVE ANNAS

In the Court of the Muzrai Commissioner
in Mysore Bangalore

Appeal No 18/33-34

Appellants:-
1) Mahavidwan Emberumanachar
2) Narasimhachar, son of the first appellant, Melkote

Vs

Respondent
Srirangam Sampathkumarachar, Melkote

Subject

Appeal against the order of the Deputy Commissioner, Mysore District, directing that the Acharyapurusha Mariyades in the Sri Narayanaswamy temple at Melkote accorded to the family of late Rayadurga Venkatachar may be shown to the respondent

Facts of the case

It is seen from the records that the tasdik patti of the Sri Narayanaswamy temple sanctioned in 1900 that the late barawardar Rayadurga Venkatachar was receiving an emolument of Rs1-8-0 per mensem for the Adhyapaka duties in the temple and that he was also in receipt of certain mariyades ~~to~~ the ~~said to have been~~ the called "Acharyapurusha Mariyades" The right for the mariyades is said to have been based on a sannad granted to the forefathers of Venkatachar by H H the late Maharaja The respondent and his ancestors are stated to

have received e man
during the minority of the deceased and after his demise also in accordance the wishes of the widow Rukmuniamma. The contend that they are nearer agnates to the deceased barawardar than the respondent, that the respondent belongs to a distant branch and that the mariyades should be shown to the senior member of the Rayadurga branch of the family. After recording the statements of the parties and examining the genealogical tree filed by them, the Amildar reported on 28-12-32 that the respondent was more distantly related to the deceased barawardar than the appellant, that there was no evidence to show that the respondent enjoyed the mariyades in his own right and that the mariyades may be ordered to be shown to the appellants though the question of the change of baraward would not araise during the life time of the widow. The Sub Division officer approved of the recommendation of the Amildar. On appeal, the Deputy Commissioner reversed the order of the Sub Division officer and directed that the mariyades might be shown to the respondent on the ground that he was receiving them for a long time and the widow of the deceased barawardar had no objection to the same. Hence the present appeal.

The appellants filed certain documents in support of their contention. The respondent objects to the inclusion of the first appellant before this court as he was not a party in the lower court and states that the appellants are pressing both for the post of Adhyapaka and Acharyapurusha mariyades in this court whereas

whereas the Deputy Commissioner's order is confined to the latter.

The case was heard on 31-10-1934 when both the parties were present

31-12-34

Order 18/33-34 dt 3-1-35

The deceased Rayadurga Venkatachar held the Adhyapaki Baraward which carries with it a cash remuneration of Rs 1-8-0 per mensem. That this baraward should be transferred to his widow Rukmuniamma is conceded by the respondent and is not seriously contested by the appellants who have only raised this point as a belated issue in the course of the present appeal. There being no sex disqualification in regard to this baraward, it may be made out in the name of Rukmuniamma and she may be allowed to nominate a gumasta. The acharyapurusha mariyades enjoyed by the deceased Venkatachari appear to me to stand on an entirely different footing.

It is not established that Venkatachari was entitled to these mariyades as a matter of right. His name does not appear in the Tasdik path of 1900 in which the honoraria payable to acharyapurushas are recorded. The statement that he was entitled to the honour but not to the honorarium cannot be viewed without suspicion.

Further, acharyapurusha mariyades are in the nature of a personal distinction rather than of heritable property. The expression itself implies that the mariyade cannot be given to a female heir Even male heir cannot get them as a matter of course. Such being the case, the claims of distant relatives of the barawardar require no consideration. It seems to me better, in all the circumstances of the case, that the Acharyapurusha mariyades enjoyed validly or otherwise, by the late Venkatachari should cease, when there is no one in the direct line of succession or even near enough in relationship entitled to receive them. The claims of both parties are therefore rejected

(Sd) N. Madhava Rau
Muzrai Commissioner.

Copy applied for by Srirangam Sampatkumarachar on 23 1-35
" ready on 2-3-35
" delivered on 2-3-35
No. of words 760
Copying fees 1-0-0
Comparing " 0-2-8
Paper 0-0-4
Total 1-3-0

Copied by Hanumantha
Compared by S Jayaramarao

" Copy "

Manager
Mus. Commr's Office

In the Court of the Deputy Commissioner Mysore District

Muzrai Mis: case No: H. Appeal No: $\frac{1}{A}$/33-34.

Present:- C. S. Kuppuswamiengar, Esqre,
Deputy Commissioner.

Dated this 21st day of September 1933.

| Appellant. | Vs | Respondent |
|---|---|---|
| Srirangam Sampathkumarachar, Melkote. | | Nalkundi Narasimhachar, Melkote. |

DEPUTY COMMISSIONER'S OFFICE
MYSORE DISTRICT

This is an appeal against the order of the Sub-Division Officer, French Rocks, directing that the Nugavarne Acharyapurusheke mariyade of late Rayadurgam Venkatachar be shown to the Respondent in Melkote Temple.

———— ∘ ————

The baraward of Nugavarase Acharyapurushike in Melkote Temple is in the name of Rayadurgam Venkatachar who died recently. Narasimhachar (Respondent) petitioned the Muzrai Commissioner during 1929 praying that the mariyade of barawardar might be shown to him as he is the nearest agnate to the deceased. This petition was sent to the Amildar for disposal and he called for a report from the peshkar.

The Peshkar reported on 25-1-30 that Srirangam Sampath Kumarachar (appellant) has been getting the mariyade from a long time at the desire of the deceased barawardar who has left a widow, and that no records to that effect were forthcoming. The Amildar directed the peshkar to record the statements of Srirangam Sampath Kumarachar and Narasimhachar as to what they had to say in the matter and to resubmit the records.

DEPUTY COMMISSIONER'S OFFICE
MYSORE DISTRICT

Srirangam Sampath Kumarachar has stated that on account of the minority of the original — barawardar Venkatachar, his (appellant) grand father enjoyed the mariyade for 30 to 40 years, thereafter his father enjoyed the right, and after him he (appellant) has been enjoying the mariyade for the last 18 or 20 years, thus in all 3 generations have enjoyed the right, that Narasimhachar (Respondent) and his father

Eemberumanarya have not exercised the right of mariyade at any time, that he does not contend about the registry of baraward in his name as the widow of deceased Unkatachar is surviving, but that his intention is that the mariyade should be shown to him as his family enjoyed it for 3 successive generations, and that Narasimhachar (Respondent) can get the mariyade only when he is absent.

Narasimhachar (Respondent) has also given a statement to the effect that Srirangam Sampath Kumarachar is the distant agnate of the original Mulapurusha of the family, as he has not descended in the Rayadurgam branch of the family to which there are several agnates, that the mariyade has to be shown to his (Respondents) father Vidwan Eemberumanarya or any one of the eldest members present at the time and that as he belongs to the Rayadurgam branch of the deceased Unkatachar's family, the mariyade should be shown to him.

COMMISSIONER'S OFFICE
MYSORE DISTRICT

On the basis of the genealogical tree furnished by Narasimhachar (Respondent) the Amildar, Seringapatam Taluk, reported to the Sub Division office on 28-12-32 in No: C 429/31-32 stating from Veeraraghavachar, the Mulapurusha of the original family three families branched-off as follows:

(1) Srirangam Branch
(2) Akkarakanni ″
(3) Rayadurgam ″

Srirangam Sampathkumarachar is stated to have descended from the Srirangam branch. The Amildar further stated that he (appellant) is a distant agnate of the Rayadurgam branch of the family, that the original Mulapurusha of the Rayadurgam branch was Keshavachar who left two sons (1) Srinivasachar and (2) Venkatachar the deceased barawardar in question who left no male heirs except his widow, that Srinivasachar has left two sons (1) Govindappangar and (2) Vidwan Emberumanar father of Narasimhachar (Respondent), that there is no question of the change of baraward either in the name of Srirangam Sampathkumarachar or Narasimhachar, as the widow of the deceased barawardar is alive, and that as Narasimhachar (Respondent) is the nearer agnate of

DY. COMMISSIONER'S OFFICE
MYSORE DISTRICT

the Rayadurgam family, the Maryade of the bara-ward might be shown to him.

The Sub Division officer French Rocks, returned the records to the Amildar directing to take action accordingly and to issue a suitable endorsement to the party. (Vide Sub Division officer's Memo No. R.M. 902/32 dated 14-1-33).

It is against the above order of the Sub Division officer, Srirangam Sampath Kumarachar has filed an appeal before this court praying that the Mariyade may be ordered to be shown to him as he has been receiving it from the time of his grand father.

DY COMMISSIONER'S OFFICE
MYSORE DISTRICT

Order

The maryade is being shown to the appellant and his ancestors for a long time. The widow of the last barawardar has not objected to this. Further, the Respondent's father, who is alive, has not asked for maryade being shown to him. There are no good reasons for according to his son's request. The order of the lower court is set aside with the direction that Maryade be given to appellant as usual

Sd/ C.S. Kuppuswamiiengar
Deputy Commissioner

Compared
Kln

"Copy"

COMMISSIONER'S OFFICE
MYSORE DISTRICT.

By order
K.Narasimha Iyengar,
Muzrai Head Munshi 17.1.34

Copy applied on. 17-1-34
" ready on. 17-1-34
" delivered on. 17-1-34
No. of words. 708.

| | | | |
|---|---|---|---|
| Copying fee | 1 | 0 | 0 |
| Comparing fee | 0 | 4 | 0 |
| Paper cost | 0 | 0 | 4 |
| Total | 1 | 4 | 4. |

In the Court of the Deputy Commissioner
Mysore District.

Muzrai Mis case No. A. Appeal 1(a) of 33.

Present :- C. S. Kuppuswamy Iyengar, Esqr
Deputy Commissioner.

Dated this 19th Day of October 1933.

| Appellant | | Respondent |
|---|---|---|
| Srirangam<br>Sampath Kumarachar<br>Melkote. | vs | Nalkundi Narasimha-<br>char, Melkote. |

Review application dated 25-9-1933 presented by the Respondent's father Mahavidwan Emberumanarya, Melkote, praying for a reconsideration of the order passed in original appeal case No. A. 1a of 33 on 21-9-1933.

Parties were present and heard on 17-10-33.

Order

I have heard the parties. There is no question of change in the karaward as the widow of karawardar is alive. Seeing that the appellant and his ancestors have been enjoying the maryade for a long time, there is no reason to supersede him now. My order of the 21st September 1933 will stand.

Sd/ C.S. Kuppuswamy Iyengar
Deputy Commissioner.

Compared
KLN

"Copy"

Copy applied on. 17-1-34.
" Ready on. 17-1-34.
" Delivered on. 17-1-34.
No. of words. 110
Copying fee 0-4-0
Comparing fee 0 1-0
Paper cost 0-0-2

Total

ಹುಜೂರ್ ಡೆಪ್ಯುಟಿ ಕಮೀಷನರ್ ಸಾಹೇಬರವರ ಆಫೀಸು, ಮೈ. ಡಿ.

ಮುಜರಾಯಿ ಅಪೀಲುಕೇಸ್ No. 1/33-34.

ಅಪೀಲುದಾರರು
1. ಮೇಲುಕೋಟೆ ಶ್ರೀರಂಗಂ ಸಂಪತ್ಕು
ಮಾರಾಚಾರ್

ಎದುರು ಅರ್ಜಿದಾರರು
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ಅಪೀಲುದಾರ್ ಶ್ರೀರಂಗಂ ಸಂಪತ್ಕುಮಾರಾಚಾರ್ಯರವರಿಗೆ [illegible] ಮೇಲುಕೋಟೆ ಶ್ರೀ [illegible] ದೇವಸ್ಥಾನದಲ್ಲಿ [illegible] ಸಿಂಗ್ರಾಚಾರ್ಯರವರ [illegible] ಆಚಾರ್ಯಪುರುಷ [illegible] ವಿಚಾರದಲ್ಲಿ ಎದುರು ಅರ್ಜಿದಾರರ [illegible] ವಿಚಾರ [illegible] ತೀರ್ಪು ಆಕ್ಷೇಪಣೆಯನ್ನು ವಜಾಮಾಡಿರುವದಲ್ಲದೆ, [illegible] 21. 9. 33 ನೇ [illegible] ತಿಳಿಯುವದು —

ತಾ 19-10-1933

For Deputy Commissioner
Mysore District.

klw

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[illegible]

[illegible] 0—4—0

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[illegible]

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Before the Government of His Highness the Maharaja of Mysore

Muzrai Appeal No 13 of 1917-18

Appellant
Yemberumanarya.

Respondent.
Srinivasa Ramanujaiyengar
(Since deceased)

Subject

Appeal against order No 1067 d/ 1st March 1913 of the Deputy Commissioner, Mysore District, declining to permit the appellant enjoy along with the respondent's father the Acharyapurusha Maryade in the Sri Narayana Swami temple at Melkote on the ground that the appellant's grand father Narasimhachar's name was omitted during the revision of the Tastik Patti so far back as 1893.

Decision

The case was heard on 18th September 1918. both the appellant and the respondent's Son, Thore Selvapillai Iyengar being present in person.

The appellants brother who is the elder member of his branch and as such has the preferential claim in such matters has not made any representation till now and

20/9/23

attitude on his part is significant. In the revised Patti which was made out in 1893 the names of the appellant and his brother were missed out, and the reason for this would appear to be not so much because they happened to be minors at the time as that was considered inexpedient to recognise more than one representative of the family as eligible to the privilege. Though the appellant has continued to make his representation since 1907, it is inadvisible to reopen the matter at this stage. Further the authorities consulted in the matter have also opined that it is not the usual custom or mamool to recognise more than one member of the family as entitled to the mariyade. This appears to be sound in practice and no case has been made out for the practice being modified.

In these circumstances the appeal fails.

Memo. No 1446 — Mur 243-14-4
dated the 5th December 1918

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Copy of the above is forwarded to the Deputy Commissioner, Mysore District

with the records recei-
with his letter No 242 d/10th Novr. 1910.

By order
(Sd) G. Aravamudu Iyengar
Secretary to Government
Muzrai Department

Copy

Superintendent
Muzrai Branch
General and Revenue Secretariat

Copied KM

Compd. AYN Copy applied for by Shree Sundararajiengar
on 15.9.23
Ready on 20.9.23
Delvd on 20.9.23
No of words 346
Copying fees etc. 0-9-7

೨ ರೂ TWO RUPEES ۲-روپے

Before the Govt of H. H. the Maha-
~~In the Court of the~~ rajah of Mysore
BANGALORE.

Mvz. A-No. ________ of 1934-35

~~Plaintiff~~
~~Petitioner~~
Appellant

Sreerangam Sampathkumara-
Char.

Vs.

~~Defendant~~
~~Opponent~~
Respondent

1. Mahavidwan Embeltumanachar,
2. Narasimhachar

$\frac{\text{I}}{\text{we}}$ the appellant, above named, do hereby appoint and retain MESSRS. C V NARASIMHAIENGAR, B A, B L, S K VENKATARANGAIENGAR B A, LL B, and B T. RAMASWAMI, B A B T, LL B, Advocates, to appear for $\frac{\text{me}}{\text{us}}$ in the above suit proceeding, petition or appeal and to conduct, and prosecute or defend the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein $\frac{\text{I}}{\text{we}}$ empower $\frac{\text{my}}{\text{our}}$ Advocates to appear in all miscellaneous proceedings in the suit or matter till all decrees or orders are fully satisfied or adjusted to obtain the return of documents draw any moneys that may be payable to $\frac{\text{me}}{\text{us}}$ in the said suit or matter, withdraw, compromise or refer to arbitration the suit and take all other steps that they may deem proper in the matter. And $\frac{\text{I}}{\text{we}}$ undertake to ratify and confirm all legal acts done or caused to be done, and to pay all fees, costs charges and expenses which may be incurred by $\frac{\text{my}}{\text{our}}$ said Advocates in the case by virtue of these presents

In witness whereof $\frac{\text{I}}{\text{we}}$ have hereunder set $\frac{\text{my}}{\text{our}}$ hand this 9th day of May 1935.

*Accepted.*

S. K. Venkatarangaiengar

*Advocates*

*for* applt

Signed by the executant
in my presence.

Vest & Co., The National Press Bangalore

TWO RUPEES

GENL. & REV. SECRETARIAT
1372
17. JUN. 1935

Muz appl no 22 of 1934-35

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

MUZRAI DEPARTMENT, Muz 319-343

Appeal No.

Most Honoured Sir,

I, the humble Petitioner, beg leave to file this appeal against the order of the Muzrai Commissioner in Mysore passed in appeal No. 18 of 1933-34 (Authenticated copy of the order attached) regarding the Adhyapaka and Acharyapurusha mariyades in the Sri Narayana Swami temple at Melkote.

2. The fact that the members of the Rayadurga family are entitled to certain mariyades in the temple either on the authority of the sannad or by uninterrupted enjoyment for many a generation is an admitted fact.

3. The distinction sought to be made by the learned Muzrai Commissioner between the adhyapaka post and the acharyapurusha mariyades to both of which Rukmaniamma the widow of the late barawardar is the claimant is opposed to the established practice which has acquired the force of law. The claim of the widow for the former having been recognized, it was not correct to have thrown out the right of the family on abstract grounds.

4. The reason put forward to the effect that acharyapurusha mariyades were in the nature of a personal distinction rather than of heritable property cannot be substantiated on grounds of equity and justice. The honor is hereditary in the family of the original grantee and the right is so conceded and continued with the avowed object of perpetuating the sacred teachings propounded by the Great Sri Ramanujacharya and left in the custody of his trusted disciples. The original acharyapurushas or their successors in direct line including the agnates are thus the

the custodians of the Sacred teachings and it is in this capacity that they are shown some mariyades. There are numerous instances in all the Srivaishnavite institutions all over Southern India and in Melkote Temple also where the honors have been transferred to the nearest agnates in case of cessation of the direct line. If a new rule or procedure has to be laid down it cannot certainly affect the present barawardar who has been in uninterrupted~~and~~ and unbroken enjoyment of the unique honors from time immemorial, i.e. from the time of the original grant. On the same analogy similar honors have been conceded to and are in the enjoyment of the following persons in the Sri Narayanaswami temple.

(i) The honors that were being shown to Kandade Doddeyachar has been in identical circumstances ordered to be shown to Srirangam Modaliandan swami

(ii) The honors that were being shown to Kulani Tiruvenkatacha have similarly been ordered to be shown to Krishnajiva patte Lakshminarasimhachar and other agnates. As submitted above there are numerous instances of the kind in the temple.

5. The wishes of the barawardar widow who has given a statement before the amildar of the Chamarajnagar Taluk in unequivocal terms transferring her rights to the appellant have not been given due weight and consideration by the learned Muzrai Commissioner. It is on the ground that a female barawardar cannot enjoy the archaryapurusha Mariyades, that the widow of the late barawardar has thought it fit to transfer the hak to the nearest agnate in preference to a distant agnate who has no manner of right to hold the honorary post. If the enjoyment of honors alone without emoluments was open to any doubt as expressed in the order of the learned Muzrai Commissioner, it was open to him to make such further enquiries as were necessary but not to view the point with unfounded suspicion. There are numerous such instances and the appellant respectfully prays an

an examination of the temple tasdikpatti.

6. For the following reasons, among others, the appellant respectfully begs that the learned muzrai commissioner's order may be set aside and the right of the appellant to both the offices may graciously be recognized inference to the wishes of the late barawardar's widow Rukmaniamma.

The appellant begs leave to submit that he was down with severe dispepsia and completely disabled from moving about for the last few months. He most respectfully prays that the delay which was due to unavoidable circumstance may be graciously condoned.

I have the honor to be,
Sir,
Your most obedient and humble servant,

APPELLANT.

Memo No 57/[illegible] dt 19.7.35

Forwarded with compliments to the Muzrai Commissioner for submission of records connected with the affair

[illegible]

16/7/35

For General Secretary to G

G3

EIGHT ANNAS
COURT FEE
EIGHT ANNAS

In the Court of the Muzrai Commissioner in Mysore, Bangalore
Appeal No. 18/33-34

Appellants:-
(1) Mahavidwan Embermmanachar
(2) Narasimhachar, son of the first appellant, Melkote

vs

Respondents
Srirangam Sampathkumarachar, Melkote

Subject Appeal against the order of the Deputy Commissioner, Mysore District, directing that the Acharya purusha maniyades in the Sri Narayanaswami temple at Melkote accorded to the family of late Rayadurga Venkatachar may be shown to the Respondent

Facts of the case

It is seen from the records in
the Tasdik Patti of the Sri Narayanaswami
temple sanctioned in 1900 that the late
Varavardar Rayadurga Venkatachar was
receiving an emolument of Re 1 8-0 per
mensem for the adhyapaka duties in the
temple and that he was also in receipt
of certain maniyades called "Acharya
-purusha Maniyades". The right for the
maniyades is said to have been based on
a sannad granted to the forefathers of
Venkatachar by H. H. the late Maharaja
The respondent and his ancestors are
stated to have received the Maniyades
for a long time during the minority of
the deceased Varavardar and after his
demise also in accordance with the
wishes of the widow Rukmaniamma
The appellants contend that they are
nearer agnates to the deceased Varavardar
than the respondent, that the respon-
dent belongs to a ~~distinct~~ distant branch and
that the maniyades should be shown to
the senior member of the Rayadurga [illegible]

of the family. After recording the statements of the parties and examining the genealogical tree filed by them, the Amildar reported on 28-12-1932 that the respondent was more distantly related to the deceased baranwardar than the appellant, that there was no evidence to show that the respondent enjoyed the maniyades in his own right and that the maniyades may be ordered to be shown to the appellants though the question of the change of baranward would not arise during the life-time of the widow. The Sub Division Officer approved of the recommendation of the Amildar. On appeal the Deputy Commissioner reversed the order of the Sub Division Officer and directed that the maniyades might be shown to the respondent on the ground that he was receiving them for a long time and the widow of the deceased baranwardar had no objection to the same. Hence the present appeal.

The appellants filed certain documents in support of their ~~Contract~~ Contention. The respondent objects to the inclusion ~~the appellants~~ of the first appellant before this court as he was not a party in the lower Court and states that the appellants are pressing both for the post of Adhyapaka and Acharyapurusha maniyades in this Court whereas the deputy Commissioner's order is confined to the latter.

The case was heard on 31-10-34 when both the parties were present.

Order No.. Appl 18/33-34
Dated 31-12-34.

The deceased Rayadurga Venkatachari held the Adhyapaka Baranward which carries with it a cash remuneration of Rs 1-8-0 per mensem. That this varaward should be transferred to his widow Rukmaniamma is conceded by the Respondent and is not seriously contested by the appellants who have only raised this point as a belated issue in the Course of the present appeal. There being no sex disqualification in regard to this varaward it may be made out in the name of Rukmaniamma and she may be allowed to nominate a gumasta. The acharyapurusha mariyades enjoyed by the deceased Venkatachari appear to me to stand on an entirely different footing.

It is not established that Venkatachari was entitled to these mariyades as a matter of right. His name does not appear in the tasdik patti of 1900 in which the honoraria payable to acharyapurushas are recorded. The statement that he was entitled to the honor but not to the honorarium cannot be viewed without suspicion.

Further, acharyapurusha mariyades are in the nature of a personal distinction rather than of heritable property. The expression itself implies that the mariyades cannot be given to a female heir. Even a male heir cannot get them as a matter of Course. Such being the case, the claims of distant relatives of the varawardar require

Consideration It seems to
in all the circumstances of the
that the Acharyapurusha maniyad is
enjoyed validly or otherwise, by the
late Venkatachari should cease, when
there is no one in the direct line of
succession or even near enough in
relationship entitled to receive them.
The claims of both parties are there-
fore rejected.

Sd/ N. MadhavaRao
Muzrai Commissioner.

Copy applied for by Mr Narasimhacharya
on 7-1-35
" ready on 8-1-35
" delivered on 8-1-35
No of words 710
Copying fees 1-0-0
Comparing fees 0-4-0
1-4-0

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Compared by Hanumanthaiah

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Manager
Muz: Commr Office

D. No 1114
25-26

No. HC 124 Enc 2 files
34-35

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE,

*Dated, Bangalore,* ~~24th~~ 25 July 1935.

Muz 319-34-35

FROM

N. MADHAVA RAO, Esq., B.A., B.L.,
*Muzrai Commissioner in Mysore.*

To

H. V. Ramaswami, Esq., M.A., B.L.,
*Secretary to the Government of His Highness*
*the Maharaja of Mysore,*
General *Department.*

GENERAL SECRETARIAT
25 JULY 1935
26/7

SIR,

Appeal Petition of Mr. Sampathkumarachar, Melkote,
re: Acharyapurusha Maryade at Melkote Temple.

Adverting to your Memo No.1578/Muz. dated 29th May 1935 calling for the records re: the above, I have the honor to forward herewith the file of vernacular records received from the Deputy Commissioner, Mysore District, with his letter No.H.1412/34 dated the 13th July 1935 as also this office file No.Appeal 18/33-34 on the above subject.

2. The Appeal Petition of Emberumanachar on the same subject received with your Memo No.51/Muz. dated 19th July 1935 is also returned.

I have the honor to be,
Sir,
Your most obedient servant,

~~for~~ Muzrai Commissioner
Absent from Headquarters

1.11.34
Record my statement
submit

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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7-11-34 - ರುಕ್ಮಿಣಿಯಮ್ಮ

Petn 160/34 35 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ತಾ|| 7.11.34

H. Krishn[illegible]

[illegible]

[illegible]

Filed by Mr. Ekambaram? on 17/1/

[illegible]

### Before the Government of His Highness
### the Maharaja of Mysore.

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Muzrai Appeal No. 21/ 1934-35.

| Appellant. | Respondents. |
|---|---|
| Srirangam Sampathkumarachar.<br>Melkote. | Mahavidwan Embrumanachar<br>and his son Narasimhachar. |

#### Subject.

Appeal against the orders of the Muzrai Commissioner rejecting the claims of both the parties for the acharyapurusha maryade in the temple of Sri Narayanaswami of Melkote formerly accorded to the family of late Rayadurgam Venkatacher.

-----

The case was called on Friday the 17th January 1936. The appellant with his counsel Mr. S.K. Venkatarangiengar, B.A.,LL.B. was present and was heard. The respondents were present in person and were heard.

#### Order.

The Muzrai Commissioner has rejected the claims on the ground among others that acharyapurusha maryades are in the nature of personal distinction rather than heritable property. Government do not think it necessary to decide the question whether the maryades referred to in this case are heriditary or not. They, however agree with the Muzrai Commissioner that in this particular case the claims of both the parties should be rejected in view of the absence of direct heirs and both the applicants being distant agnates.

No 1050/ Muz 319—34—6 of 1-2-1936.
Copy to Mr. S. K. Venkatarangiengar B.A. LLB.
Advocate for the appellant.
B.O

No 1051/ Muz of 1.2.36. ~~For~~ Gen Sec
Copy to the respondents, Mahavidwan
Embermanachar of Melkote and his
Son Narasimhachar. B.O

No 1052/ Muz of 1.2.1936. for Gen Sec
Copy to M.C. returning records received

his letter no He 124/34-35 d/ 25.7.1935

4

For Gov -

31/1/36

Before the Government of His Highness
the Maharaja of Mysore.

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Muz. Appeal No.21 of 1934-35.

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| Appellant. | Respondents. |
|---|---|
| Srirangam Sampathkumarachar,<br>Melkote. | Mahavidwan<br>Emberumar<br>and his sons,<br>Narasimhachar. |

## SUBJECT.

Appeal against the orders of the Muzrai Commissioner rejecting the claims of both the parties for the acharyapurusha maryades in the temple of Sri Narayanaswami at Melkote formerly accorded to the family of late Raya urgam Venkatachar.

-----

The case was called on Friday the 17th January 1936. The appellant with his counsel Mr.S.K.Venkata-rangiengar, B.A., LL.B., was present and was heard. The respondents were present in person and were heard.

The M.C. has rejected the claims on the ground among others that acharyapurusha maryades are in the nature of a personal distn. rather than in heritable property

## ORDER.

Government ~~consider it~~ do not think it ~~un~~necessary to decide the quest whether the maryadas ~~maryades~~ referred to in this case are or not heriditary. They however agree with the Muzrai Commissioner that in this particular case the claims of both the parties should be rejected in view of the ~~want~~ absence of direct heirs and both the applicants being distant agnates.

Spl 1050/Muz 319-34-6 dt 1-2-36

Copy to Mr.S.K.Venkataraniengar, B.A., LL.B., Advocate for the appellant.

By order,

No 1050/Muz 319-34-6 dt 1-2-36

Sd/- 27/1 for General Secretary to Govt.

Copy to the respondents, Mahavidwan Emberumanachar of Melkote and his son Narasimhachar.

By order,

Sd/- 27/1 for General Secretary to Govt.

p.t.o.

No 1082 — Encl Records Dated 1-2-36

Copy to the Muzrai Commissioner returning records received with his letter No.H.C.124/34-35 dated 25th July 1935.

By order,

For General Secretary to Government.

G.S

mk.

T ....................................................................................................

Diary No. of letter replied to .. .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 1 – 2 – 36

Signed by Mr. R. Rama Subbiahnappa

List of enclosures ..................................

Copied by .. ..................................

Examined by.............................

Section Mcg

File No. 319 – 34

Serial No. 7

~~No.~~ Endt no 1053

To

Mahavidwan Embarumanarachar

of Melkote

With refce to petn filed by him on 15/6/35 appealing against the order of the M.C. Rev. Acharya purusha Maryade in the temple of Sri Narayanaswami at Melkote formerly accorded to the family of late Rangadurgam Venkatachar,

Mr Embarumanarachar is informed that his claim for the said maryade is inadmissible & his appeal ~~Not~~ is rejected –

31/1/36

for Gen. Secy

WD 01956—GPB—22,500—12-6-34